

ALARACT 105/2009 LINE OF DUTY DETERMINATION REQUIREMENTS FOR VICTIMS OF SEXUAL ASSAULT, DTG 161441Z APR 09. DOD Sexual Assault Prevention and Response (SAPR) policy and procedures give sexual assault victims the right to access confidential care and treatment by making a restricted report of sexual assault. The USD (P&R) directed the services to review line of duty (LOD?) determination policies and procedures to ensure the LOD program management is consistent with DOD directives. As a result of that review, this message announces a procedural change to the LOD determination process and expands upon ALARACT 216/2008 in clarifying the need for a LOD determination in the case of Soldiers who are eligible for and who wish to make a restricted report of sexual assault. See the message for more information.

R 161441Z APR 09

FM PTC WASHINGTON DC//ALARACT//

TO ALARACT

ZEN/RMY/OU=ORGANIZATIONS/OU=ADDRESS LISTS/CN=AL ALARACT(UC) BT UNCLAS QQQQ

SUBJ: ALARACT 105/2009 - LINE OF DUTY DETERMINATION REQUIREMENTS FOR VICTIMS OF SEXUAL ASSAULT UNCLASSIFIED// THIS MESSAGE HAS BEEN SENT BY THE PENTAGON

TELECOMMUNICATIONS CENTER ON BEHALF OF DA WASHINGTON DC//HRC-AG-OPNS//

SUBJECT: LINE OF DUTY DETERMINATION REQUIREMENTS FOR VICTIMS OF SEXUAL ASSAULT

1. REFERENCES:

A. DOD DIRECTIVE 6495.01: SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM, OCTOBER 6, 2005, WITH CHANGE 1, NOVEMBER 7, 2008.

B. DOD INSTRUCTION 6495.02: SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM PROCEDURES, JUNE 23, 2006 WITH CHANGE 1, NOVEMBER 13, 2008.

C. MEMORANDUM, USD(P&R), OCTOBER 23, 2008, SUBJECT: MODIFICATION OF LINE OF DUTY REQUIREMENT FOR MEMBERS OF THE RESERVE COMPONENT WHO ARE SEXUALLY ASSAULTED DURING ACTIVE SERVICE.

D. AR 600-8-4: LINE OF DUTY POLICIES, PROCEDURES, AND INVESTIGATIONS, SEPTEMBER 4, 2008.

E. ALARACT MESSAGE 216/2008, 082102Z SEPTEMBER 2008, SUBJECT: CLARIFICATION OF REQUIREMENTS FOR INITIATING A LINE OF DUTY DETERMINATION.

2. DOD SEXUAL ASSAULT PREVENTION AND RESPONSE (SAPR) POLICY AND PROCEDURES CONTAINED IN REFS A AND B GIVE SEXUAL ASSAULT VICTIMS THE RIGHT TO ACCESS CONFIDENTIAL CARE AND TREATMENT BY MAKING A RESTRICTED REPORT OF SEXUAL ASSAULT. REF C. DIRECTED THE SERVICES TO REVIEW LINE OF DUTY (LOD) DETERMINATION POLICIES AND PROCEDURES TO ENSURE THE LOD PROGRAM MANAGEMENT IS CONSISTENT WITH REFS A AND B.

3. AS A RESULT OF THAT REVIEW, THIS ALARACT ANNOUNCES A PROCEDURAL CHANGE TO THE LOD DETERMINATION PROCESS (REF D) AND EXPANDS UPON REF E IN CLARIFYING THE NEED FOR A LOD DETERMINATION IN THE CASE OF SOLDIERS WHO ARE ELIGIBLE FOR AND WHO WISH TO MAKE A RESTRICTED REPORT OF SEXUAL ASSAULT.

4. SOLDIERS WHO ARE VICTIMS OF SEXUAL ASSAULT, PARTICULARLY MEMBERS IN THE RESERVE COMPONENTS (ARNG AND USAR) WHO MAKE A RESTRICTED REPORT OF SEXUAL ASSAULT WHILE THEY ARE OR WERE ON ACTIVE DUTY, REQUIRE A LOD DETERMINATION TO ACCESS CONFIDENTIAL CARE AND TREATMENT. THEREFORE, TO UPHOLD PRIVACY RESTRICTIONS ESTABLISHED IN REF B ABOVE, COMMANDERS AND MEDICAL OFFICERS AT ALL LEVELS WILL:

A. IDENTIFY APPROPRIATE INDIVIDUALS WITHIN THEIR RESPECTIVE ORGANIZATIONS TO PROCESS LOD DETERMINATIONS FOR THOSE VICTIMS OF SEXUAL ASSAULT WHO ARE ELIGIBLE TO MAKE RESTRICTED REPORTS. DESIGNATED INDIVIDUALS SHOULD POSSESS THE MATURITY AND EXPERIENCE TO ASSIST IN A SENSITIVE SITUATION AND SAFEGUARD COVERED COMMUNICATIONS. THESE INDIVIDUALS ARE SPECIFICALLY AUTHORIZED TO RECEIVE COVERED COMMUNICATIONS FOR THE PURPOSE OF DETERMINING LOD STATUS, AND THESE INDIVIDUALS MAY CONSULT WITH THEIR SERVICING LEGAL OFFICE IN THE SAME MANNER AS OTHER RECIPIENTS OF PRIVILEGED INFORMATION FOR ASSISTANCE, EXERCISING DUE CARE TO PROTECT COVERED COMMUNICATIONS BY DISCLOSING ONLY NON-IDENTIFYING INFORMATION.

B. ESTABLISH PROCEDURES TO ENSURE THAT PROCESSES FOR COMPLETING THE LOD DETERMINATION PROTECT THE IDENTITY OF THE VICTIM FROM LAW ENFORCEMENT AND COMMAND IN THE CASE OF SOLDIERS WHO ARE ELIGIBLE TO MAKE A RESTRICTED REPORT OF SEXUAL ASSAULT THROUGH USE OF AN ALPHA-NUMERIC RESTRICTED REPORTING CASE NUMBER (RRCN), UNIQUE TO EACH INCIDENT, IN LIEU OF PERSONAL-IDENTIFYING INFORMATION, AND OTHER APPROPRIATE PRIVACY SAFEGUARDS.

C. ESTABLISH PROCEDURES TO ENSURE A LOD DETERMINATION IS COMPLETED AT THE TIME OF FILING THE RESTRICTED REPORT OF SEXUAL ASSAULT FOR THE PURPOSE OF ENABLING THE VICTIM TO ACCESS MEDICAL CARE AND PSYCHOLOGICAL COUNSELING; AND WITHOUT IDENTIFYING INJURIES FROM SEXUAL ASSAULT AS THE CAUSE.

5. POINTS OF CONTACT (POC):

A. ARMY LOD PROGRAM PROPONENCY POC IS GISELA COURDUFF, (703) 325-5302.

B. NGB LOD PROGRAM MANAGER POC IS MR. ERIC SCOTT, (703) 607-9155.

C. USARC LOD PROGRAM MANAGER POC IS MAJ JIM SPECHT, (404) 464-9310.

D. ARMY SEXUAL HARASSMENT AND ASSAULT RESPONSE AND PREVENTION PROGRAM (SHARP) POC IS MS. CAROLYN COLLINS, (703) 693-0764.

6. EXPIRATION DATE CANNOT BE DETERMINED.